

In the Indiana Supreme Court

CASE NUMBER:

ORDER AMENDING INDIANA JURY RULES

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Rules 5, 6, 14, 18, and 27 of the Indiana Jury Rules are amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

INDIANA JURY RULES

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RULE 5. DISQUALIFICATION

The court shall determine if the prospective jurors are qualified to serve, or, if disabled but otherwise qualified, could serve with reasonable accommodation. In order to serve as a juror, a person shall state under oath or affirmation that he or she is:

- (a) a citizen of the United States;
- (b) at least eighteen (18) years of age;
- (c) a resident of the summoning county;
- (d) able to read, speak, and understand, the English language;
- (e) not suffering from a physical or mental disability that prevents him or her from rendering satisfactory jury service;
- (f) not under a guardianship appointment because of mental incapacity;
- (g) not a person who has had rights to vote revoked by reason of a felony conviction and whose rights to vote have not been restored; and
- (h) not a law enforcement officer, if the trial is for a criminal case.

Persons who are not eligible for jury service shall not serve. Upon timely advance request from the prospective juror, the court may excuse from reporting for jury service any person whose bona fide religious conviction and affiliation with a religion prevents the prospective juror from performing jury service.

RULE 6 EXEMPTION

A person who has completed a term of jury service in the twenty-four (24) months preceding the date of the person's summons may claim exemption from jury service. ~~Only those exemptions expressly provided by statute, narrowly construed, are permitted.~~

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RULE 14. INTRODUCTION TO CASE

(a) After welcoming the jury panel, the judge shall introduce the panel to the case. Unless sufficiently covered by the jury orientation, ~~the judge's introduction to the case shall include at least the following:~~

- (1) Introduction of the participants;
- (2) The nature of the case;
- (3) The applicable standard of proof;
- (4) The applicable burden(s) of proof;
- (5) The presumption of innocence in a criminal case;
- (6) The appropriate means by which jurors may address their private concerns to the judge;
- (7) The appropriate standard of juror conduct;
- (8) The anticipated course of proceedings during trial; and
- (9) The rules regarding challenges.

(b) To facilitate the jury panel's understanding of the case, with the court's consent the parties may present brief statements of the facts and issues (mini opening statements) to be determined by the jury.

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RULE 18. NUMBER OF ~~PEREMPTORY~~ PEREMPTORY CHALLENGES

(a) In criminal cases the defendant and prosecution each may challenge peremptorily:

- (1) twenty (20) jurors in prosecutions where the death penalty or life without parole is sought;
- (2) ten (10) jurors when neither the death penalty nor life without parole is sought in prosecutions for murder, and Class A, B, or C felonies, including enhancements; and
- (3) five (5) jurors in prosecutions for all other crimes.

When several defendants are tried together, they must join their challenges.

(b) In civil cases each side may challenge peremptorily three (3) jurors.

(c) In selection of alternate jurors in both civil and criminal cases:

- (1) one (1) peremptory challenge shall be allowed to each side in both criminal and civil cases for every two (2) alternate jurors to be seated;
- (2) the additional peremptory challenges under this subsection may be used only in selecting alternate jurors; and
- (3) peremptory challenges authorized for selection of jurors may not be used in selecting alternate jurors.

d) If it appears to the court that a particular peremptory challenge may have been used in a constitutionally impermissible manner, the court upon its own initiative may (a) inform the parties of the reasons for its concern, (b) require the party exercising the challenge to explain its reasons for the challenge, and (c) deny the challenge if the proffered basis is constitutionally impermissible.

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RULE 27. FINAL ARGUMENTS

When the evidence is concluded, the parties may, by agreement in open court, submit the case without argument to the ~~court or jury trying the case.~~

If the parties argue the case to the jury, the party with the burden of going forward shall open and close the argument. The party which opens the argument must disclose in the opening all the points relied on in the case. If, in the closing, the party which closes refers to any new point or fact not disclosed in the opening, the adverse party has the right to reply to the new point or fact. The adverse party's reply then closes the argument in the case.

If the party with the burden of going forward declines to open the argument, the adverse party may then argue its case. In criminal cases, if the defense declines to argue its case after the prosecution has made opening argument, then that shall be the only argument allowed in the case.

In criminal cases, the party with the burden of going forward is the prosecution. In civil cases, the party with the burden of going forward is the plaintiff.

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These amendments shall take effect January 1, 2007.

The Clerk of this Court is directed to forward a copy of this Order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana

Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and the West Group.

The West Group is directed to publish this Order in the advance sheets of this Court.

The Clerks of the circuit court are directed to send a copy of this order to all the judges, including any city, town, and small claims court judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, this _____ day of August, 2006.

Randall T. Shepard
Chief Justice of Indiana

All Justices Concur